

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
RECEIVED EASTERN DIVISION

CHRISTOPHER MCGUHOUGH, *

DEBRA P. HACKETT, CLK #174909

U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

VS.

DANIEL JONES, WARDEN *

PETITIONER, *

RESPONDENT, *

* CASE NO: 3:07-cv-26-
MEF

RESPONSE TO RESPONDENT'S ANSWER

COMES NOW THE PETITIONER TO WHO
PRODUCED THE CLAIMS SET FORTH TO
THIS COURT STANDARD REVIEW CONTENDS
THAT THIS RESPONSE SHOULD
NECESSARILY OUTWEIGH THE RESPONDENT
ANSWER TO SHOW THAT THE STATE COURTS
DECISIONS WERE UNREASONABLE AND
I CONTEST THAT THE TIME FRAME
IS OF COMPLETE FAULT OF THE CIRCUIT
COURT FOR NOT FOLLOWING THE PROPER MEASURE
OF ALABAMA RULES OF CRIMINAL
PROCEDURE.

AS THE RULES OF ALABAMA COURT WAS ESTABLISHED.
IT INSINUATED THAT THESE RULES BE HONORED
BY THE COURTS AND ALL DEFENDANTS THAT
PROCEED WITH LEGALITIES.

RULES OF COURT: ISSUANCE]

THIS SPECIFICALLY STATES THAT ANYTIME
A CIRCUIT JUDGE MAKES A FINAL DECISION
OR JUDGEMENT HE SHALL DO SO BY WAY OF A
WRITTEN ORDER AND AWARE THE CIRCUIT
CLERK OF SAID ORDER TO WHICH THE
CIRCUIT CLERK SHALL BE RESPONSIBLE THAT
ALL OF THE PARTIES BE SENT A COPY OF THE
SAID ORDER OR THE FINAL DECISION.

IF THIS IS NOT DONE IT CONSTITUTES
NONCOMPLIANCE WITH THE STATE COURT.
THERE IS NO EXCEPTIONS OR EXCUSES
TO THE RESPONDENTS ANSWER THAT VERIFIES
THAT THERE HAS BEEN AN FINAL DECISION OR
JUDGEMENT MADE BY WRITTEN ORDER FOR
THE MURKES TO BE ADJUDICATED IN THE
CIRCUIT COURT OF CHAMBERS COUNTY
ALABAMA. NO DESTRUCTION AND DISMEMBERMENT
OR SERVICE TO THE PETITIONER.
THIS SHOWS A COMPLETE EXCEPT WITH
CIRCUMSTANCES THAT IT IS NOT THE TO
DISMANTLE THE PETITIONER.

THE ISSUES SOUGHT IN POST-CONVICTION RELIEF
WAS ACCOMPANIED BY A 4705 PAGES OF ACTUAL
FACTS OF THIS TRIAL AND CASE ON WHICH
THE RESPONDENTS ANSWER DOES NOT DISCLOSE.

① ONE CLAIM PRESENTED WAS WHETHER THE
ASSISTANT ATTORNEY ON WHICH I PROBABLY
ADDRESSED THE ISSUE TO THE CIRCUIT
COURT OF HIS DILIGENCE AT TRIAL
FOR NOT EVEN DISPUTING THE MOST
IMPORTANT ELEMENT AT TRIAL WHICH
IS THE CORROBORATE EVIDENCE, ON
WHICH HE WAS ADVISED PREVIOUSLY AND
TO THE COURT OF CIRCUMSTANTIAL EVIDENCE
BECAUSE THEY SAID THAT HE DID NOT
BRING IT TO THE TRIAL COURTS
ATTENTION ON WHICH I REQUESTED
FOR WRIT OF CERTIORARI THAT
THIS ATTORNEY DID NOT MEET HIS
DUTIES REQUIRED BY LAW.

② I PRESENTED FACTS ABOUT THE
INSUFFICIENT EVIDENCE WHICH
THE JURY ACCUMULATED ITS VERDICT
FROM DEALING WITH THE CO-DEFENDANT
STATEMENT AND TESTIMONY OF
FINGER PRINTER CONCERNING THIS
HOUSE AND GUNS.

③ I PROPERLY PRESENTED THE ISSUE OF UNLAWFUL SEARCH AND SEIZURE ON WHICH THE COURT OF CRIMINAL APPEALS STATED THAT I HAD NO ROOM TO STAND THE CHALLENGE TO SEARCH THE HOUSE BUT THEY NEVERED MENTION ONE TIME OF MY CHALLENGE THE SEARCH OF MY MUSTANG WHICH SHOWS THAT THEY DED NOT REVIEW THIS SITUATION AS A WHOLE BUT ONLY USED THE EVIDENCE THAT WOULD BOLSTER THE STATES CASE AGAINST ME.

④ I PROPERLY PRESENTED THE ISSUE OF DOUBLE JEOPARDY BECAUSE IT IS A KNOWN FACT THAT A PERSON ON TRIAL FOR BURGLARY AND THAT CANNOT ALSO BE CHARGED WITH RECEIVING THE SAME PROPERTY. DAVIDSON V. STATE, 360 So.2d 728 (ALA.CRIM. APP. 1978.)

THE JUDGE INSTRUCTED THE JURY TO FIND ME GUILTY OF BURGLARY 1ST AND THAT 2ND AND NOT GUILTY OF RECEIVING STOLEN PROPERTY OR GUILTY OF RECEIVING STOLEN PROPERTY AND NOT GUILTY OF BURGLARY 1ST DEGREE AND THAT OF PROPERTY 2ND DEGREE WHICH CONSTITUTES THAT I WAS ON TRIAL TO RECEIVE AN AUTOMATIC CONVICTION, SEE PAGES 130 THRU 140 THE RECORDS IS COMPLETE SILENT DEALING WITH THE RECEIVING STOLEN PROPERTY CHARGE INCLUDED IN THIS INDICTMENT RESPONDENT'S ANSWER

THESE ISSUES PROVE THAT I DID PROPERLY
PRESENT THEM IN STATE COURT ON WHICH
IT STAYED IN THE CHAMBERS COUNTY
CIRCUIT COURT DOCKET FOR 18 MONTHS
WITHOUT THE TRIAL COURT CONDUCTING
AN EVIDENTIARY HEARING WHICH
SHOWS THAT THEY DID NOT ALLOW ME TO DISPUTE
THE ISSUES AT HAND IN OPEN COURT.
WHEN POST-CONVICTION CONTENTS MATTERS
WHICH IS TRUE, WOULD ENTITLE PETITIONER
TO RELIEF, EVIDENTIARY HEARING
MUST BE HELD.

RULES OF CLEMENTIUM PROCEDURE
RULE 32.9

I ALSO CONTEND THAT THE DISTRICT ATTORNEY
NEVERED RESPONDED TO THESE ISSUES.

998(14.1) IN GENERAL

ALA. CRIM. APP. 1998 - WHEN STATE DOES NOT
RESPOND TO ALLEGATIONS IN PETITION
FOR POST-CONVICTION RELIEF, UNREFUTED
STATEMENT OF FACTS MUST BE TAKEN
AS TRUE. - RULES OF CLEM., PROC. RULE 32-

BRYANT v. STATE, 739 So.2d 1132
THEREFORE ANY CLAIM OF DEFAULT
TO THESE ISSUES IN THE STATE
COURT SHOULD BE REJECTED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT ON THIS
THE 19TH DAY OF FEBRUARY, 2007, I
HAVE SENT AN EXACT, SAME COPY OF
THE FOREGOING TO: TROY KING

OFFICE OF THE ATTORNEY GENERAL

ALABAMA STATE HOUSE

11 SOUTH UNION

MONTGOMERY, ALABAMA 36130-0152

By PLACING THE SAME, POSTAGE PAID
IN THE UNITED STATES POSTAL SERVICE
USING AN UNITED STATES POST OFFICE.

RESPECTFULLY

Christopher C. McCullough

ADDRESS OF COUNSEL

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OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
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